

SECTION A

1. Mr. Lemu, a wealthy man, was murdered seven months ago. Before his murder, the deceased was a farmer and had cultivated and planted maize on one thousand acres of his Maji Safi Farm in the Rift Valley. However, shortly after his crops sprouted, a strange disease that turns maize leaves brown in colour attacked, resulting in total loss of the crop.

Upon the loss of his maize crop, Mr. Lemu suffered a massive stroke and was paralyzed on the right side of his body. He was admitted to the intensive care unit of a Nairobi Hospital. Three weeks later, he began to recover and was able to walk with the aid of a nurse, at which period he invited his lawyer to draw up a will for him.

While still at the hospital, Mr. Lemu gave his lawyer the following instructions:

Firstly, that his entire estate be inherited by his two sons, Yakobu and Yoshuwa, to the exclusion of his wife Yemami.

Secondly, that all his suits and his Omega watch be given to his brother Kokayi who had been by his side since admission to hospital.

Thirdly, that all his shoes be given to his pastor who had been praying for him to get a seat near the twenty elders who worship God day and night.

Fourthly, that all his goats be given to his herdsboy who had been working for him for many years.

He insisted, contrary to your legal advice, that there was no need to sign the will because his right hand was paralyzed as a result of the stroke. He requested you to keep the will for him and give it to his wife upon his demise.

After the lawyer's departure Mr. Lemu invited his two sons and his wife and informed them that he had made a will and the same was with the lawyer. He also requested his sons to take care of their mother when he died.

Two months later, Mr. Lemu recovered fully and was discharged from hospital, after which he went about his farming activities. At his residence, his family welcomed his recovery except his son, Yoshuwa who had started planning what he would buy with his inheritance. Consequently, he planned to eliminate his father. A month later, Mr. Lemu was found hanging by his cowshed. The postmortem showed that he died as a result of strangulation, at which time investigation on the murder ensued and Yoshuwa was arrested, charged and convicted of the crime. He is now awaiting to be hanged at Mlima-Chungu Maximum Prison.

Mrs. Lemu and her son Yakobu have come to you for legal advice regarding the will and Yoshuwa's inheritance.

Advise them and explain in detail the legal steps you will take in dealing with Temu's estate.

(15 marks)